IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR.JUSTICE M.RAMACHANDRAN

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

W.A.No.86 of 2007

AGAINST THE JUDGEMENT IN W.P.(C).NO.31134/2006 DATED 27/11/2006
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APPELLANT/PETITIONER:-

C.SHARAFUDHEEN, S/O. BEERAN KUTTY,
CHEENIKKAL HOUSE, MUTHOOR, TIRUR,
MALAPPURAM.

BY ADV. SRI.A.K.ABDUL AZEEZ.

RESPONDENTS/RESPONDENTS:-
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1. THE REGIONAL TRANSPORT AUTHORITY,
   MALAPPURAM, REP. BY ITS SECRETARY.

2. THE SECRETARY,
   R.T.A., MALAPPURAM.

BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON 23/01/2007 DELIVERED THE FOLLOWING:-

V.K.Bali,C.J. & M.Ramachandran,J.

W.A.No.86 of 2007

Dated, this the 23rd day of January, 2007

JUDGMENT

V.K.Bali,C.J.

The appellant, who is the petitioner in the original lis, is a stage carriage operator, operating on the route Kozhikode Corporation Bus stand - Ernakulam South Bus stand. Originally, he was granted a regular permit for a period of five years from 15.12.1992 to 14.12.1997. It was renewed for a further period of 5 years from 15.12.1997 to 14.12.2002 and further period of five years from 15.12.2002 to 14.12.2007. Pending consideration of counter-signature by the sister authorities for the issue of regular permit, appellant made an application for temporary permit for four months, which was rejected by the original authority in view of Rule 260(a) of the Motor Vehicles Rules, which says that stage carriage older than 5 years cannot be operated as Fast Passenger service. The appeal carried against the order aforesaid was dismissed by the State Transport Appellate Authority, against

which the petitioner filed the writ petition, which has been dismissed.

2. As per Rule 260(a) of the Motor vehicles Rules, a stage carriage aged more than five years cannot be operated as Fast Passenger Service. The appellant/petitioner can offer a new vehicle and seek a fresh temporary permit. In the circumstances, no exception can be had to the order passed by the learned Single Judge dismissing the petition. Surely, if the petitioner buys a new vehicle and apply for temporary permit, the same shall be considered in accordance with law.

With the observation as made above, the appeal is disposed of.

V.K.Bali
Chief Justice

M.Ramachandran
Judge

vku/-